

REMARKS

Claims 1-9 and 11-31 have been canceled without prejudice or disclaimer, since the (elected) invention is adequately covered by the retained claims. Claims 10 and 32-61 (31 claims altogether, the same as before) are now presented. Claims 32, 37 and 42 are independent; the rest are dependent.

In response to the requirement for restriction, applicant hereby elects the claims of Group III: claims 20-22 and 28-31. Those claims have been rewritten as claims 32-36, further restricted to subgroup I, identified at the bottom of page 3 of the Office Action.

In response to the requirement to elect a restriction subgroup (section 6 on pages 3 and 4 of the Office Action), applicant hereby elects the restriction subgroup corresponding to SEQ ID NO. 3. Claims 10 and 37-61 are all limited to Sequence ID No. 3.

Applicant reserves the right to file one or more continuing applications directed to non-elected subject matter.

The MPEP Section 803.04 provides as follows:

“It has been determined that normally ten sequences constitute a reasonable number for examination purposes. Accordingly, in most cases, up to ten independent and distinct nucleotide sequences will be examined in a single application without restriction. In addition to the specifically selected sequences, those sequences which are patentably indistinct from the selected sequences will also be examined. Furthermore, nucleotide sequences encoding the same protein are not considered to be independent and distinct inventions and will continue to be examined together”.


The Examiner is respectfully requested to withdraw the requirement that applicant elect a single disclosed subgroup and the holding that only a single sequence will be examined. It is

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believed that the gravity of this request would greatly expedite the prosecution of the subject matter disclosed in the application, since it would obviate the need for filing multiple applications.

Favorable action is respectfully requested.

Respectfully submitted,
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